Remarks

This Amendment and the following remarks are intended to fully respond to the non-final Office Action mailed October 14, 2009. Claim 27 is amended. Claims 14-18 and 20-31 remain pending. Reconsideration and allowance of the pending claims are requested for at least the following reasons.

I. Claim Rejections – 35 U.S.C. § 103

At page 2 of the Action, it is indicated that claims 14, 15, 18, 22, 23, and 27 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Pub. No. 2004/0012280 to Frey et al. (hereinafter "Frey") in view of U.S. Patent No. 3,842,877 to Andrews.

Applicants respectfully note that the Action erroneously indicates that the above-mentioned claims are rejected under 35 U.S.C. § 102(b). Additionally, claims 16, 17, 20, 21, 24-26 are not identified in the heading of the rejection, yet are identified in the body of the rejection. Based on this, Applicants have elected to proceed on the assumption that pending claims 14-18 and 20-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Frey in view of Andrews. However, Applicants respectfully traverse this rejection and do not concede the correctness of the rejection or any characterization of the cited references.

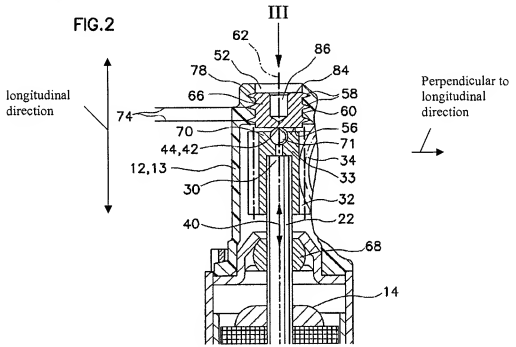
The rejection should be withdrawn because Frey and Andrews fail to disclose or suggest, either alone or in combination, all of the elements of independent claims 1 and 27.

A. Independent claim 14

Independent claim 14 is directed to a rotary drive that adjusts a moving part in a motor vehicle. Claim 14 recites, in part, a supporting member that provides an axial force to support the rotor, the supporting member including a base having a longitudinal axis; and a plurality of individual crosspieces, each crosspiece extending to a cutting edge in a direction perpendicular to the longitudinal axis of the base. (Emphasis added)

FIG. 2 illustrates one example embodiment disclosed in the application that is consistent with claim 1. In FIG. 2 (top portion of which is reprinted below), a plurality of radial crosspieces 58 are grouped approximately around a cylindrical axis 62 of the base plate 66, that is respectively around the rotor shaft 22. See Published Application, ¶[0024]. In the example embodiment, the radial crosspieces 58 have no thread lead across their circumference. In this

manner, when the crosspieces 58 are turned into the inner wall 60 of the housing section 13, no spiral shaped thread turns emerge. Rather, separate ring-shaped chamfers 78 that lie completely in a plane 74 with a constant surface (face) benchmark (norm) are formed. Id.



Application, Figure 2. (top portion, annotations added). In the example embodiment, each of the cross-pieces 25 extend in the plane 74 in a direction perpendicular to a longitudinal axis of the base 66 (in parallel to shaft 22). Id.

Frey at least fails to disclose or suggest the recited element of claim 1. Rather, Frey merely discloses a set screw 34 with an external thread. See Frey, ¶[0029]; FIG. 1. The external thread of the set screw 34 (i.e., the helical ridge of the set screw 34) disclosed by Frey does not suggest cross-pieces extending to a cutting edge in a direction perpendicular to a longitudinal axis of a base of a supporting member as required in claim 1.

Andrews also fails to disclose or suggest the recited element of claim 1. In sharp contrast, Andrews discloses a quick fastening device including a screw having an elongated shank with threaded sectors alternating with flat or chord surfaces. See Andrews, Abstract. Specifically, Andrews discloses a shank 11 including threaded sectors 14 having conventionally formed external threads 15 (i.e., the helical ridge of the shank 11) that are alternated with flat cord surfaces 16. See Andrews, col. 2, lines 33-39; col. 2, line 63 - col. 3, line 2. Also, see

Figure 4 of Andrews which illustrates the helical structure of the external threads 15 of the threaded sectors 14. The threaded sectors 14 (i.e., helical external threads 15) do not suggest cross-pieces extending to a cutting edge in a direction perpendicular to a longitudinal axis of a base of a supporting member as required in claim 1.

Frey and Andrews fail to disclose or suggest, either alone or in combination, all of the elements of independent claim 14. Reconsideration and allowance of claim 14, as well any claims that depend either directly or indirectly therefrom, are respectfully requested.

B. Independent claim 27

Independent claim 27 is directed to a rotary drive that adjusts a moving part in a motor vehicle. Claim 27 recites, in part, radial crosspieces each having a cutting edge extending in a direction perpendicular to a longitudinal axis of the supporting member, wherein the cutting edge is configured to cut into the non-recessed portion of the housing when the support member is turned relative to the housing.

As shown above, Frey and Andrews at least fail to disclose or suggest, either alone or in combination, subject matter corresponding to cross-pieces extending to a cutting edge in a direction perpendicular to a longitudinal axis of a base of a supporting member. Reconsideration and allowance of claim 27, as well as any claims that depend either directly or indirectly therefrom, are therefore respectfully requested.

II. Conclusion

The remarks set forth above provide certain arguments in support of the patentability of the pending claims. There may be other reasons that the pending claims are patentably distinct over the cited references, and the right to raise any such other reasons or arguments in the future is expressly reserved.

Favorable reconsideration in the form of a Notice of Allowance is respectfully requested. Please contact the undersigned attorney with any questions regarding this application. Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 1-14-10

Name: Julie R. Daulton
Reg. No.: 36,414
JRD:MAH